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Notice of Allowability	Application No.	Applicant(s)	
	10/804,211	KENYON ET AL.	
	Examiner	Art Unit	
	James W. Cranson	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--
 All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendmend filed 1/18/2006.
2. ☒ The allowed claim(s) is/are 1-27.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____. 7. <input type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____. |
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DETAILED ACTION

Allowable Subject Matter

Claims 1-27 are allowed.

The following is an examiner's statement of reasons for allowance:

Applicant's arguments, see amendment, filed 01/18/2006, with respect to Office Action mailed 10/18/2005 have been fully considered and are persuasive. The 35 U.S.C. 103(a) rejection of claims, 1-5, 7-8 and 10 as being unpatentable over US 6,848,813 to Patz et al. in view of US 6,047,936 to Favotto et al. has been withdrawn. Claim 1 recites, inter alia, a luminaire housing assembly, comprising: a luminaire housing having an aperture; a connector in aperture adapted to receive an electrical power conduit; a first fastener hole in luminaire housing adapted to receive a first fastener to secure luminaire housing to a support; and a bracket having a first opening aligned with luminaire housing aperture and a second opening aligned with first fastener hole. The Patz patent does not disclose a connector received in the aperture of luminaire housing or a first fastener hole in housing adapted to receive first fastener to secure luminaire housing to support. Favotto teaches the use of a connector in aperture to receive power conduit in a fixing bracket assembly and the use of an L shaped bracket. Therefore in the rejection, Patz was modified using the teaching of Favotto. However, disposing the arm 15 in an aperture of the cover plate 14 would interfere with the movement of the latch bar 31 along the posts 35. Further, the posts 35 of Patz received in first fastener hole in cover plate 14 do not secure luminaire housing to a support. Instead, the posts 35 are received by latch bar 31, which is movable along the posts. Therefore the 35 USC 103 rejection is not obvious, is hereby withdrawn, and claim 1 is allowed.

Regarding claims 2-13:

Claims 2-13 depend from claim 1 add further limitations and are also allowable for the same reasons.

Regarding claims 14-25:

Claims 14 – 25 were allowed in the Office Action mailed 10/18/2005 for the following reasons:

Independent claim 14 has that luminaire housing assembly comprising first and second end walls, connected by first and second side walls, first and second apertures in end wall, first and second fastener holes, in top wall, first and second brackets with opening aligned with holes, first and second connectors in first and second apertures and first and second spacers.

The limitations in claim 14 are not disclosed or taught in the art of record.

Claims 15-25 depend from claim 14, add further limitations and are allowable for the same reasons.

Regarding claim 26 and 27:

Applicant's arguments, see amendment, filed 01/18/2006, with respect to Office Action mailed 10/18/2005 have been fully considered and are persuasive. The 35 U.S.C. 103(a) rejection of claim 26 and 27 as being unpatentable over US 6,116,556 to Roth has been withdrawn.

This is the rejection that has been withdrawn.

Roth discloses a device and method of transferring mechanical loads and stresses (column 3, lines 25-30) in a luminaire housing assembly. Roth discloses (column 2, lines 61-66)

wiring into base of bracket. Roth does not disclose that a rigid electrical conduit is used. It would have been obvious to one of ordinary skill in the art at the time of invention to provide Roth with a rigid electrical conduit because it is well known in the illumination art to use rigid electrical conduits.

Reasons for withdrawn of the above rejection follow:

Roth has a bracket that is meant to receive and withstand mechanical stresses from attached accessories rather than transferring mechanical loads and stresses as claimed in the instant application. Therefore the rejection is not obvious in view of the art of record and is withdrawn. Claim 27, depends from claim 26, adds further limitations and is allowable for the same reasons.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James W. Cranson whose telephone number is 571-272-2368. The examiner can normally be reached on Mon-Fri 8:30A.M.- 5:00P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandy O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).





ALAN CARIASO
PRIMARY EXAMINER